Transmission of Source Selection Sensitive Information

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Overview

The objective of this presentation is to improve the management of source selection sensitive data. It will:

- **Define the term "source selection information"**
- **Specify who is impacted**
- **Discuss methods of transmission and the related restrictions**
- **Discuss using proprietary information**

Source Selection Information

- **Governed by the Federal Acquisition Regulation (FAR).**

- **Specifically defined in FAR Part 3.104 as:**

  “Information which is prepared for use by a Federal agency for the purpose of evaluating a bid or proposal…that…has not been previously made available to the public or disclosed publicly.”

Source Selection Information (Cont)

Examples of source selection information:

- **Bid prices**
- **Acquisition Plans**
- **Source selection plans**
- **Technical evaluation data**
- **Cost and competitive range data**
- **"Other information marked as "Source Selection Information -- See FAR 3.104" based on a case-by-case determination that its disclosure would jeopardize the integrity… of the Federal agency procurement"**

Restrictions Established

- **Applies to any employee who, by virtue of their office, has or had access to source selection information**

- **Prohibited from:**
  - **Disclosing such information to unauthorized persons or entities**
  - **Knowingly obtaining such information other than as permitted by law**

Authorized Methods of Transmission

- **Personal discussions between authorized parties**
- **Phone/VTC conversations**
- **FAX transmissions**
- **Mail service**
- **Encrypted E-mail**
- **E-mail WITHIN a LAN system**

Note: All hard copy or electronic transmissions must be clearly marked as outlined by FAR 3.104-5(c)

Unauthorized Transmissions

- **Discussions with or in the presence of unauthorized personnel**
- **Any hard copy or electronic transmission without properly marking the document**
- **Non-encrypted E-mail OUTSIDE of the LAN system (e.g., between bases)**

Options to Encrypted Systems

- **Parties agree to trade-off risk associated with transmission of non-encrypted source selection sensitive information to benefit from increased efficiencies of using commercial e-mail**

- **Affected parties agree (offerors, evaluators, advisors) *prior* to transmitting source selection sensitive information through other than encrypted means**

- **Tradition rules apply if any of the parties were reluctant to accept alternative to encryption**

Suggested Language

Language substantial the same as the following can be developed if the government wishes to consider transmitting non-encrypted e-mail between LANs

- ***Defense Messaging System (DMS) is the method approved by the Air Force Computer Emergency Response Team (AFCERT) to transmit encrypted data over Air Force networks. However, DMS is not widely available to evaluators and advisors participating in this source selection. To facilitate review and evaluation for this source selection the Government proposes to transmit data via commercial systems. Distributed material will be identified as source selection sensitive and distribution strictly limited in accordance with FAR 3.104. Should any contractor object to their proprietary information being shared between source selection evaluators and advisors via commercial e-mail as described above, please advise the Contracting Officer _____ at _____.***

Proprietary Data

- **Although not source selection sensitive, historical data may be proprietary in nature which needs to be handled appropriately. Consider the following scenario:**
  - **Releasable products such as workload estimates and budgets were developed, in part, using proprietary data**
  - **Tables and Charts contain embedded proprietary data**
  - **Software used to develop final products permits viewer to “drill down” to proprietary information**
  - **Drilling down to data and formulas exposes proprietary data to parties who are not authorized access to information**

Protecting Proprietary Data

- **Check charts, tables or slides *prior* to posting them on any public site (EPS, contracting or program office homepage etc.) to make sure only data permitted for view can be accessed**

- **Insert products in PDF format**
  - **The PDF process“takes a picture” of the end result of what is developed -- documents copied and pasted may retain formulas and proprietary data used in development of the end product**

- **Data may be proprietary even if not marked as such--**
  - **If unsure about proprietary nature of data, ask the contractor <u>prior</u> to disclosing!**

Other Important Reminders

- **<u>Always</u> make sure data is posted in a manner that cannot be changed by those who access it**
- **<u>Always</u> access website after posting information to verify the correct files were uploaded**
- **<u>Always</u> know the security rating and approved means of distribution for your system (unclassified, secret, top secret etc.)**
- **<u>Always</u> double check before sending any electronic information that the listed recipients are cleared to receive source selection sensitive information**

Bottom Line

If you wouldn't put it in the local newspaper,

don't discuss outside of official/authorized settings

and don't send in an E-mail off the base!

MAJCOM Contacts

- **Legal Support**
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- **Information Management**
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